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## NPDES State Program Information

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### State Program Authorization Information

Authorization for states, tribes, and territories is through a process that is defined by Clean Water Act (CWA) Section 402 (b) and 40 CFR Part 123. Submission of the following items is needed in order to receive authorization to administer the NPDES program:

- a letter from the Governor requesting review and approval,
- a Memorandum of Agreement (MOA),
- a program description,
- a statement of legal authority (also known as an "Attorney General's Statement" or "AG Statement"), and
- the underlying state laws and regulations.



A determines whether the package is complete within 30 days of receipt. Within 90 days of receipt, EPA renders a decision to approve or disapprove the program. An extension for the review period is possible by an agreement.

The process of authorization includes a public review, comment period, and a public hearing. If EPA disapproves the program, EPA remains the permitting authority for that state, tribe, or territory.

A state may receive authorization for one or more of the NPDES program components. EPA retains authorization for the program components for which a state is not authorized. For example, if the state had not received authorization for federal facilities, EPA would continue to issue permits to federal facilities (e.g., military bases, national parks, federal lands, etc.)

If EPA approves the program, the state assumes permitting authority. Submission of all new permit applications would go to the state agency for NPDES permit issuance. Certain permits issued prior to authorization may continue under EPA administration as set forth in the MOA. Even after a state receives NPDES authorization, EPA continues to issue NPDES permits on tribal lands (if the tribe is not administering its own approved NPDES program).

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